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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH, GA.

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CLERK W. Walker
SO. DIST. OF GA.

JAMES A. SANDERS, Jr., and
NANETTE SANDERS,
Plaintiffs,

and

BUILDERS INSURANCE GROUP, INC.,
Intervenor,

v.

LULL INTERNATIONAL, INC., and
RENTAL SERVICE CORPORATION, INC.,
Defendants,

and

RENTAL SERVICE CORPORATION, INC.,
Third-Party Plaintiff,

v

TRH CONSTRUCTION COMPANY, INC.,
Third-Party Defendant.

Civil Action No.: CV 402-141

**DEFENDANT RENTAL SERVICE CORPORATION, INC.'S RESPONSE TO
PLAINTIFFS' MOTION TO TRANSFER VENUE TO THE BRUNSWICK DIVISION**

COMES NOW, Defendant Rental Service Corporation, Inc. (hereinafter "RSC") by and through the undersigned counsel and files this Response to Plaintiffs Motion to Transfer Venue to the Brunswick Division.

In Plaintiffs' Motion to Transfer Venue, they state that Defendant RSC is a non-resident Defendant. (See Plaintiffs Motion to Transfer Venue, ¶ 3). However, pursuant to Local Rule 2.1(d) of the United States District Court for the Southern District of Georgia, "a corporation shall be deemed to be a resident of any county in which it is doing or transacting business."

Defendant RSC has a store in Chatham County, Georgia located at 1000 Chatham

4'

Parkway North, Garden City, Georgia in which it rents construction equipment to customers.

This RSC store was in existence at the time this action was filed.

Pursuant to Local Rule 2.1(a):

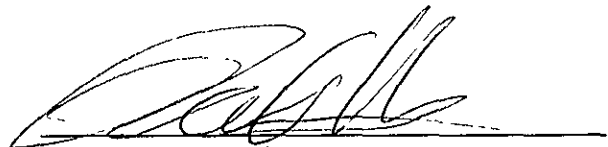
All civil actions, not in rem, brought against a resident of one of the six divisions of the district shall be brought and tried *in the division in which the Defendant resides* or in a division which a substantial part of the events or admissions given rise to the claim occurred.

(Emphasis added.)

Therefore, it was not improper for Plaintiffs to file this action in the Savannah Division of the Southern District of Georgia, because Defendant RSC resided in the Savannah Division at the time this action was filed and continues to reside in this division. Furthermore, Plaintiff chose to file this action in the Savannah Division and no new facts have arisen since the date it was filed to warrant transferring this case to the Brunswick Division.

For the reasons stated above, Defendant RSC respectfully requests that the Court use its discretion to deny Plaintiffs' Motion to Transfer Venue to the Brunswick Division.

Respectfully Submitted, this 19TH day of February, 2003.



Glen M. Darbsyhire
Georgia Bar No. 205210
Rob Kelly
Georgia Bar No. 413059
Attorneys for Defendant

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

| | | |
|-----------------------------------|---|------------------------------|
| JAMES A. SANDERS, Jr., and |) | |
| NANETTE SANDERS, |) | |
| Plaintiffs, |) | |
| |) | |
| and |) | |
| |) | Civil Action No.: CV 402-141 |
| BUILDERS INSURANCE GROUP, INC., |) | |
| Intervenor, |) | |
| |) | |
| v. |) | |
| |) | |
| LULL INTERNATIONAL, INC., and |) | |
| RENTAL SERVICE CORPORATION, INC., |) | |
| Defendants, |) | |
| and |) | |
| |) | |
| RENTAL SERVICE CORPORATION, INC., |) | |
| Third-Party Plaintiff, |) | |
| v. |) | |
| |) | |
| TRH CONSTRUCTION COMPANY, INC., |) | |
| Third-Party Defendant. |) | |

ORDER

Having fully read and considered Plaintiffs' Motion to Transfer Venue to the Brunswick Division and Defendant Rental Service Corporation, Inc.'s Response to Plaintiffs' Motion to Transfer Venue to the Brunswick Division and all other pleadings responsive to Plaintiffs' Motion, it is hereby ordered that Plaintiffs' Motion to Transfer Venue to the Brunswick Division is DENIED. This action will remain in the Savannah Division of the United States District Court for the Southern District of Georgia.

SO ORDERED this _____ day of _____, 2003.

Judge B. Avant Edenfield
United States District Court for the
Southern District of Georgia

Order Prepared By.
Rob Kelly
Georgia Bar No 413059
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| LULL INTERNATIONAL, INC., and |) | |
| RENTAL SERVICE CORPORATION, INC., |) | |
| Defendants, |) | |
| and |) | |
| |) | |
| RENTAL SERVICE CORPORATION, INC., |) | |
| Third-Party Plaintiff, |) | |
| v. |) | |
| |) | |
| TRH CONSTRUCTION COMPANY, INC., |) | |
| Third-Party Defendant. |) | |

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of Defendant Rental Service Corporation, Inc.'s Response to Plaintiffs' Motion to Transfer Venue to the Brunswick Division by depositing a true copy of same in the U. S. Mail, proper postage prepaid, addressed to counsel of record as follows:

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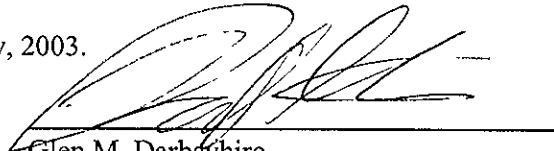
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Respectfully Submitted, this ^{19TH} day of February, 2003.

A handwritten signature in black ink, appearing to read 'Glen M. Darbsyhire', is written over a horizontal line.

Glen M. Darbsyhire
Georgia Bar No. 205210
Rob Kelly
Georgia Bar No. 413059
Attorneys for Defendant

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